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APPLICATION N	О.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,763		05/20/2002	Dianne Beverley Croteau	10748-006	3008
1059	7590	08/06/2004		EXAM	INER
BERESK	AN AI	D PARR	NELSON JR, MILTON		
SCOTIA	PLAZA				
40 KING	STREE'	T WEST-SUITE 40	ART UNIT	PAPER NUMBER	
TORONT	O, ON	M5H 3Y2	3636		
CANADA			DATE MAILED: 08/06/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

							
	Application No.	Applicant(s)					
Advisory Action	09/926,763	CROTEAU ET AL.					
-	Examiner	Art Unit					
	Milton Nelson, Jr.	3636					
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence address					
THE REPLY FILED 01 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.							
PERIOD FOR RE	PLY [check either a) or b)]						
a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
2. The proposed amendment(s) will not be entered because:							
(a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below);							
(b) ☐ they raise the issue of new matter (see Note below);							
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d) M they present additional claims without cancel	ing a corresponding number of	finally rejected claims.					
NOTE: See Continuation Sheet.							
3. Applicant's reply has overcome the following rejection(s):							
 Newly proposed or amended claim(s) would canceling the non-allowable claim(s). 							
	The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:						
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.						
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed: None.							
Claim(s) objected to: None.							
Claim(s) rejected: 1-3,5,6,8-16,18,19,21-26,32 and 3	Claim(s) rejected: <u>1-3,5,6,8-16,18,19,21-26,32 and 33</u> .						
Claim(s) withdrawn from consideration: <u>13 and 26</u> .							
8. ☑ The drawing correction filed on <u>01 July 2004</u> is a)	The drawing correction filed on <u>01 July 2004</u> is a)⊠ approved or b)□ disapproved by the Examiner.						
☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)							
10. Other:							
		Milton Nelson Jr					

Milton Nelson, Jr. Primary Examiner Art Unit: 3636

Continuation of 2. NOTE: In lines 1-2 of claim 1, the recitation "adapted to provide independent support to both a person's sit bones and thighs" represents a new issue. Similarly note lines 1-2 of claim 14, and lines 3-4 of claim 39. In line 4 of claim 1, the recitation "independent" represents a new issue. Similarly note line 4 of claim 14, and line 7 of claim 39. In lines 11-12 of claim 1, the recitation "provides independent support for" represents a new issue. Similarly note lines 11-12 of claim 14, and line 12 of claim 39.